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INTELLECTUAL PROPERTY LAW

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TELEFAX TRANSMITTAL

TO: Michelle R. Connelly-Cushwa, Examiner, Group Art Unit 2874

FIRM: Commissioner of Patents

FAX NO.: 571-273-2345

FROM: Robert B. Storey

DATE: January 15, 2004 **PAGES:** 11
(Including cover sheet)

File No.: 11784-3
Lawyer No.: 027

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INTELLECTUAL PROPERTY LAW

Robert B. Storey
Direct Line: 416 957 1615
rstorey@bereskinparr.com

Your Reference: 09/918,398
Our Reference: 11784-003

January 15, 2004

By Fax 571-273-2345

The Commissioner of Patents
& Trademarks
Washington, D.C. 20231
U.S.A.

Attention: **Michelle R. Connelly-Cushwa, Examiner**
Group Art Unit 2874

Dear Sir:

Re: **U.S. Application No. 09/918,398 (Matsuura et al.)**
Title: CONFIGURABLE PHOTONIC DEVICE

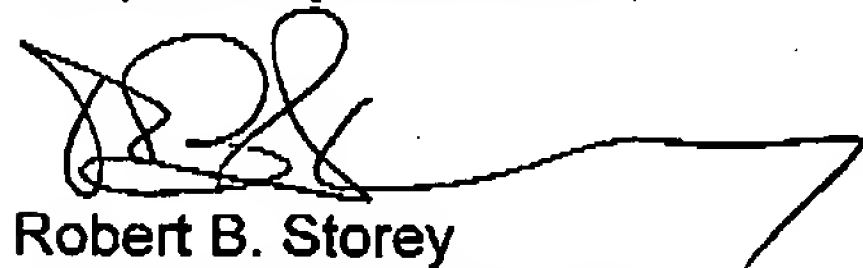
We gratefully acknowledge the Examiner's telephone communication. As requested by Ms. Cushwa, I am forwarding copies of the following documents that were filed in the Patent Office on October 24, 2003, in response to the office action dated July 9, 2003:

1. Fee Transmittal Form;
2. Petition for Extension of Time;
3. The Office Action Response;
4. A Declaration of the Inventors; and
5. A copy of the Initial Information Data Sheet as filed.

I am also forwarding a copy of the stamped receipt card.

If anything further is required, please do not hesitate to telephone me again. I look forward to hearing from you.

Respectfully Submitted,



Robert B. Storey
Registration No. 33,108

Encl.

Please send all correspondence to the Toronto office:

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PTO/SB/17 (11-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 120.00

Complete if Known

Application Number	09/918,398
Filing Date	July 31, 2001
First Named Inventor	Matsuura et al.
Examiner Name	Michelle R. Connelly-Cushwa
Group Art Unit	2874
Attorney Docket No.	11784-S

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

022095

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The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		- 20** =		X		=	0.00
Independent Claims		- 3** =		X		=	0.00
Multiple Dependent						=	

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	820	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 120.00

SUBMITTED BY

Name (Print/Type)	Robert B. Storey	Registration No. (Attorney/Agent)	33,108	Telephone	(416) 364-7311
Signature		Date	October 23, 2003		

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Appl. No. 09/918,398
Response dated October 22, 2003
Reply to Office action of July 9, 2003

Appl. No : 09/918,398 Confirmation No.:
Applicant : Matsuura et al
Filed : July 31, 2001
Title : Configurable Photonic Device
TC./A.U. : 2874
Examiner : CONNELLY CUSHWA, MICHELLE R

Docket No. : 11784-3
Customer No. : 1059

Honorable Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE
(No Amendments)

Sir:

This is in response to the first Office Action received from the Examiner, mailed July 9, 2003.

Remarks/Arguments begin on page 2 of this paper.